

Chapter 6

‘For us, Migration is Ordinary’: Post-1989 Labour Migration from Bulgaria to Turkey

Ayse Parla

The website of the Turkish Foreigner’s Department, revamped in line with the EU accession criteria of accessibility and transparency, hosts a separate page devoted to the topic of ‘illegal migration’. The page opens with the declaration that ‘it is a basic instinct of human beings to reside in the country in which they are born, the country to which they belong and the country to which they are tied with the tie of citizenship’. Implicating that all movement beyond borders is something aberrant, and privileging rootedness as something natural, the state discourse on migration goes on to define illegal migration as ‘leaving the country where one legally resides and entering another country through illegal means, or, after legal entry, not exiting within the legally defined time period and living/working in that country without legal permission’.¹

Malkki’s (1992, 1995) prescient work on essentialist constructions of refugees has addressed the ways in which national identity is a deeply territorialized concept that renders suspect those whose ties to a singular national soil are regarded as tenuous. Since then, a growing body of critical scholarship has exposed the assumptions and contradictions that underlie the designation of migrants as ‘legal’ or ‘illegal’. Some of these works emphasize the fluidity of the line that allegedly separates legality from illegality when one takes seriously the ways in which existing laws translate into everyday practice (Coutin 2005) and embodied experience (Willen 2007); others point to the ways in which migration policies often result in, and even actively produce, illegality (Calavita 1998; De Genova 2005); yet others focus on the ways in which the state rhetoric of fighting illegality masks a tacit tolerance of illegality (Balibar 2004; Favell 2008; Sassen 1996). Activists have also systematically taken to task the terminology that brands people as ‘illegal’: from the insistence on the term *sans papiers* in France to ‘*Kein Mensch ist Illegal*/no

¹ www.egm.gov.tr/hizmet.yabancilar.goc.asp, last accessed 28 July 2011.

A. Parla (✉)

European Studies, Faculty of Arts and Social Sciences, Sabancı University, Istanbul, Turkey
e-mail: ayseparla@sabanciuniv.edu

one is illegal' networks around the world, oppositional groups have rallied to raise awareness of the fact that the term 'illegal immigrant' makes sense only when one takes for granted the standpoint of the nation state with its *a priori* denial of the principle of the equal right of presence for all.

This chapter seeks to demonstrate yet another instance of the indistinct line between what gets designated as legality and illegality, honing in on the Turkish context through ethnographic analysis of the everyday practices of Turkish-speaking migrants from Bulgaria. The more novel aspect of this contribution to the extant literature lies in the fact that the ethnographic material presented concerns a group of migrants who were historically among the most privileged of the migrant groups in Turkey, but whose legal status has significantly shifted over the last two decades to become one of systematic irregularity. The trajectory of the Bulgarian Turkish immigrants—from prospective citizens to dispensable labour migrants—renders all the more cogent the contingent nature of legality.

This chapter begins by providing a historical and contemporary overview that traces the striking shifts in the legal status of the Bulgarian Turkish migrants. Simultaneously, it brings out the specificity of this particular case by drawing comparisons with immigration policies towards 'ethnic return migrants' in other nation states, with a special focus on the Southern Balkans. It then goes on to locate the unique narratives of three migrants within this broader structure, reading their stories against the grain of the prevailing legal designations. The analyses of this chapter are based primarily on qualitative data gathered through ethnographic fieldwork conducted over 2007–2011 among Turkish migrants from Bulgaria.² During fieldwork, the main anthropological methods of participant observation and open-ended interviews were deployed. As distinct from other qualitative research, however, it should be stressed that true to the spirit of 'thick description' (Geertz 1973), the vignettes presented here are the result of multiple encounters that spanned 4 years and different institutional and recreational sites rather than single interviews conducted in one sitting or setting.

6.1 The Migration of the Bulgarian Turks from Bulgaria to Turkey: A Story of Falling from Grace?

Starting with the founding of the Republic in 1923 and extending to 1989, migrants from Bulgaria with claims to Turkish ethnicity have received citizenship on the basis of an immigration policy that grants citizenship to those of Turkish descent (Kirişci 2000). But the favouring of the immigration of those deemed as co-ethnics is not

² This chapter is based on ethnographic research funded by two TÜBİTAK projects. The first one, 'A Comparative Analysis of Informal Networks among Bulgarian Turks, Iraqi Turks and Moldavians' was a collaborative project undertaken together with Didem Daniş and Mine Eder and carried out between January 2007 and June 2008. The second project, entitled, 'The Legalization Practices among Turkish Immigrants from Bulgaria' took place between 2009 and 2012.

unique to the Turkish nation state and should first be situated within a comparative perspective. After the settlement of the Asia Minor refugees in (northern) Greece in 1922, the Greek government continued to settle 'repatriates' (*palinnostoundes*)—primarily Greeks from the former Soviet Union—under a special, more favourable regulation that differs from the constitutional regulations that other migrants in Greece are subjected to (Baldwin-Edwards and Kyriakou 2004). Similarly, around 4 million individuals of German descent (*Aussiedler*) from Eastern Europe and the former Soviet Union migrated to Germany under the legal auspices of 'the right of return' defined by the post-war German constitution. Other well-studied cases of 'return' migrations framed in terms of ethno-national identity include the migration of Jews from the Soviet Union to Israel (Remennick 2003), Hungarians from Romania to Hungary (Fox 2009), and Japanese from Brazil to Japan (Tsuda 2003).

However, such 'policy favoritism' towards ethnic return migrants, as Voutira terms it for the Greek context, has been subject to certain shifts since the 1990s, rendering legalization more arduous in both the Greek and the German contexts. In line with what seems to be a general trend in South-eastern Europe as well as at large, in Turkey, too, departure from ethnic favouritism may be observed with regard to the 'ethnic kin' migrating from Bulgaria to Turkey, who have been rendered systematically irregular since the 1990s. After providing a brief overview of the history of the reception of immigrants from Bulgaria, I will probe further the question of why Turkey seems to have departed from its previous attitude and adopted a different policy in the last two decades.

Historically, the Balkan Turks represent the most privileged migrant group in terms of access and acceptability. In legal terms, this privilege was enabled by the ethnicist bias of the first Settlement Law of 1934, which reserved the definition of migrants exclusively to those of Turkish descent and culture (Erder 2000; Kirişçi 2000). The same definition still holds in the most recent Settlement Law of 2006. That is to say, only those who can prove Turkish descent or affinity to Turkish culture are legally designated as *göçmen* (migrant); the rest are simply called 'foreigners', in legal parlance.

In addition to this structural positive discrimination in the law towards co-ethnics, we also observe what Daniş and I have elsewhere called the 'hierarchy of migrant desirability'—even within migrant groups that claim Turkish ethnicity (Daniş and Parla 2009; see also Çağaptay 2003). While 'those of Turkish culture and descent' include other Turkish Muslim groups, such as Circassians, Afghans, and Turkmen who have also historically had more privileged access to citizenship (Çağaptay 2003; Kirişçi 2000; Kadirbeyoğlu 2007), co-ethnics from the Balkans occupy the top echelons among those deemed as ethnic kin. Of the tens of thousands naturalized in accordance with Law 1312, the foremost recipients of citizenship during the founding years of the Republic were migrants from the Balkans (Kirişçi 2000; İçduygu 2003). Indeed, this hospitable attitude towards the Balkan migrants was resented, especially among conservative Muslim groups, for being partisan (Bora and Şen 2009). On a comparative note, contemporary immigration policies in Greece confer a preferential status on Albanian citizens of Greek origin and yet

present them with fewer benefits when compared to Greeks from the former Soviet Union. Voutira (2004) thus suggests the similar analytic frame of a 'hierarchy of Greekness', to describe the differential criteria used to determine inclusion and exclusion, even for those identified as *omoyeneis* (same origin)—as Daniş and I do for those identified as *soydaş* in the Turkish context.

One explanation for the preferential treatment of Balkan Turks is that after the Balkan War of 1912, the migrants fleeing the lost lands of the Ottoman Empire helped to cement Turkish nationalism (Canefe 2002; Koroğlu 2004), especially through what Keyder (2005) calls their 'revanchist' attitude. The desirability of these migrants seems to have stemmed also from their being seen as the last, teetering claim on Europe and Europeaness. Significant as well is the fact that the population from the Balkans was settled so as to compensate for the scarcity of human labour; and capital and property belonging to the exiled and massacred Greek and Armenian minorities was transferred to the newcomers to facilitate the formation of a local Muslim bourgeoisie (Keyder 1987; Akçam 1992). The migration of the Balkan Turks to Turkey was thus encouraged as part of the nationalist effort to create the semblance of a homogeneous Turkish homeland populated by 'ethnically pure' Turks.

The Cold War further reinforced the privileged treatment of Turkish migrants from Bulgaria. In 1950–1951, 150,000 were granted citizenship (Eminov 1997). This wave was primarily composed of migrants who resisted communist policies and particularly the collectivization of land in Bulgaria. They were, therefore, particularly welcome from the point of the Turkish state, not only in terms of their ethnic identification but also in line with Cold War ideology. Similarly, in 1989, when more than 300,000 Turks fleeing ethnic repression in Bulgaria arrived at the Turkish border, they were accepted with much ethnic zeal and political fanfare as kindred fleeing the oppression of a communist regime. Such utilization of Cold War rivalry through the movement of migrants resonates with the German case as well, where ethnic German immigration was cited by West German politicians as proof of the superiority of the West German nation state and economic system (Münz and Ohlinger 2003, p. 189).

However, the privileged treatment of the Turkish immigrants from Bulgaria was to change considerably after 1989. Migrations from Bulgaria to Turkey continued apace in the 1990s, given the failing economy in Bulgaria after the fall of communism and the employment opportunities in the informal sector in Turkey. But the migrants arriving after the 1990s no longer had the same access to citizenship. Throughout the 1990s and up until 2001, Bulgarian nationals wishing to come to Turkey needed to obtain a tourist visa to leave Bulgaria. At the Turkish consulates in Bulgaria, visas were granted to only one member per family. This was not an official rule, but the accounts of my respondents suggest that this was routine practice. Given the increasing difficulty of getting tourist visas, people began to seek illegal routes to reach Turkey, either in search of jobs or to unite with a partner who had already migrated.

In 2001, the Turkish government lifted the visa requirement for Bulgarian nationals. This was a response to Bulgaria's removal from the 'negative' Schengen

list—that is, the list of countries approved by the EU whose citizens must have a visa—and inclusion in the list of countries whose citizens are exempt from the requirement of having a visa ('the positive list') to travel within the Schengen area, which currently consists of 25 European countries. From 2001 to May 2007, Bulgarian nationals could thus enter Turkey on visa waivers valid for 3 months. In May 2007, yet another new visa agreement came into effect. The former procedure that permitted Bulgarian nationals' legal stay as tourists on visa waivers valid for 3 months was replaced by permission to stay for a maximum of 90 days in a 6-month period. The new visa regime was the result of a bilateral agreement signed between Bulgaria and Turkey, which in turn ensued from the ongoing harmonization with the Schengen visa regime. In the wider context of the EU, the new procedure harmonized the conditions for migration from Bulgaria to EU countries, on the one hand, and from Bulgaria to Turkey, on the other, by granting the right to free movement for Bulgarian passport holders within the whole Schengen area as well as in Turkey for a maximum of 90 days within a 6-month period. However, for the labour migrants who come to work in Turkey—mostly in the domestic sector—the 90 day limit has meant the stark choice between losing their jobs or lapsing into illegality.

The bigger question, then, asked also by the migrants themselves with much exasperation, is why Turkey seems to be letting go of its policy of favouritism towards the Turkish-speaking migrants from Bulgaria—initially, gradually throughout the 1990s and early 2000s and more exactly after 2007? The full explanation cannot be reduced to the impact of the EU and harmonization with the Schengen regime and needs to take into account a constellation of other factors.

One answer may have to do with the shift in the symbolic utility of the migrants from Bulgaria. As far as the state is concerned, the desirability of Bulgarian Turkish migrants may have waned after the end of the Cold War, since the discourse of 'saving ethnic kin' from communist oppression no longer had the same symbolic use and validity.³ Another reason, which we have explored in detail elsewhere (Kaşlı and Parla 2009; Daniş and Parla 2009) has to do with the political instrumentalization of Bulgarian Turkish migrants as potential voters for the Movement for Rights and Freedoms—the party in Bulgaria that represents the Turkish minority. At the time of each national election in Bulgaria, the Turkish government announces amnesties that grant 3- or 6-month residence permits to those who are illegal at the time. While no direct proof of voting is required to gain the permit, both the timing and the semi-official discourse by migrant associations and employers at the Foreigner's Department explicitly link the amnesties to the elections in Bulgaria. In fact, in 2009 some migrant associations even went so far as to say that those unable to prove that they had cast a vote would not be able to benefit from the amnesty—an unfounded claim that nonetheless reveals the instrumentalization of migrants' irregularity for the transnational political interests of the state.

³ A different, almost reverse version of the argument regarding the significance of communism, suggesting suspicion that after 50 years of communism these migrants had become less desirable is made by Hann and Beller-Hann (1998).

A related argument may have to do with what Glick-Schiller and Fouron (1998) discuss under the rubric of the ‘deterritorialization of the nation state’, a state of affairs that embodies not a move away from nation-state sovereignty, but rather, a re-envisioning of the state as expanding beyond its national borders to appropriate and vie for the loyalty of its ‘nationals’ abroad.⁴ Finally, and perhaps most importantly, immigration policies in Turkey—as elsewhere—are shaped by the demands of the neoliberal labour market for cheap and vulnerable labour. This demand is best met by undocumented migrants.

In his book, *Selecting by Origin*, Christian Joppke (2005) explores ethnic migration in various liberal states, and points to various and often countervailing trends of de-ethnicization and re-ethnicization as manifested in and through migration policy. He locates the main tension as being between, on one hand, the favouring of ethnic migration for national identity reasons, and on the other hand, the increasing predominance of liberal-universalistic principles over parochially national ones.

I agree with Joppke in that to explain the change in policy towards the Bulgarian Turks, we should consider a variety of factors, not all of which are necessarily always in harmony with one another. Nor should the change necessarily be interpreted as a decisive, finely orchestrated break with the past. Elsewhere I have argued that the privilege of ethnic kinship continues to be smuggled in through the back door, despite the fact that the new Citizenship Law of 2010 purportedly eliminated all references to positive discrimination based on ethnicity (Parla 2011). However, unlike Joppke, who suggests that to the extent that ethnic migration is constrained, it is constrained by liberal norms of rights, I suggest that the historical privilege of ethnic kinship competes primarily with market concerns. Rather than the increasing pressure exerted by human rights ideals that restrain ethnic favouritism, as Joppke would have it, I locate the main tension in the struggle between the neoliberal labour market and ethnic citizenship.

Perhaps we could also interpret the cases of Greece and Germany, where ethnic kinship is being rendered more tenuous as a stepping stone towards legality, in a similar light. Although Greece continues its policy favouritism towards the *omoyeneis*, the reception of migrants from the FSU is not as unqualified as it was in 1989 and the early 1990s. After a shift towards containment between 1995 and 2000, the criteria for acceptance have become stricter since 2001—requiring proof not just of Greek descent, but also of ‘the individual’s possession of a Greek national consciousness’ (Voutira 2004, p. 538). Similarly, for Germany, the right to return for those ‘belonging to the German people’ (*Volkszugehörigkeit*) has been more strictly regulated since the 1990s. In addition to the introduction of quotas, German resettlers now need to apply for immigration permission prior to arrival and in their countries of origin, and to pass a language test to confirm their *Volkszugehörigkeit* status (Dietz 1999).

⁴ From a historical viewpoint, this is probably not a new phenomenon at all: retaining a loyal contingency outside of its sovereign territory to strengthen its international interests has always been a tool of international politics.

A full analysis of the shifts in policy in each of these different national settings is beyond the scope of this chapter. What I want to underscore through these comparative examples is that legal status is a contingent category that is not decided in accordance with, for example, the right to mobility as a fundamental human right, as stated in the Universal Declaration of Human Rights.⁵ Rather, legal status is designated through the interplay of the sometimes complementary, sometimes competing, forces around political interests, international relations, and the demands of the market. The migrants who continue to do in 2009 what they were doing in 2006, or in 1998, or in 1989, may thus find themselves constantly walking the tight-rope between legality and illegality—performing as best they can a balancing act amidst constantly changing visa regulations. The next section seeks to capture how migrants themselves experience states of 'legality' and 'illegality', with the aim of demonstrating not only the arbitrariness of state policies where migrants' lives are concerned but also the inadequacy of the terms 'legal' and 'illegal' in both the normative and empirical sense.

6.2 'For us, Migration is Ordinary'

When Gülcan came to Istanbul in 2006 with her parents and her brother, she was 23 years old. Two years before, she had come on her own, stayed with her aunt for a year, working as a babysitter and saving money to complete her university degree in economics in Bulgaria. In 2006, the flexible visa regime was still in effect, enabling Gülcan to keep her residence status regular by exiting and re-entering every 3 months. However, she worked in the informal domestic market as a babysitter without a work permit—an act that rendered her 'illegal'. Already then, we have the first instance of illegality in which almost all migrant women from Bulgaria found themselves at that time—legal in terms of residence, illegal in terms of work. Up until 2003, foreigners were not allowed to work as domestics anyway; since the 2003 regulation concerning foreigners' work permits, it has technically been possible to get a permit for domestic work. However, ethnographic evidence—as well as statistics on how many people have obtained the permit to date—reveal its inaccessibility given the costs and intricacy of the bureaucracy entailed (Erder 2000; İçduygu 2003).⁶

Gülcan's mother had come to Turkey even earlier, in 1997, on a tourist visa, when the Turkish consulates in Bulgaria were issuing a visa to only one member per family. Gülcan's mother overstayed her visa and worked informally as a domestic

⁵ Also relevant is Article 12 of the International Covenant on Civil and Political Rights. My thanks to Hans Vermeulen for this reminder.

⁶ During the course of fieldwork, I have indeed met one employer who obtained a work permit for her domestic worker. She did so through a lawyer's firm that specializes in these permits and asks for about 3000 \$ for the task. Once I had this information, I passed it on to the employers of several migrant workers I knew; none, to date, have actually pursued this option.

for 3 years. Eight years prior to that, in 1989 when Gülcan was still a child, they had migrated to Turkey as a family. However, because her father never felt at ease in Turkey, they returned before receiving Turkish citizenship, which was granted to those who came in 1989 and settled.

This time around, the father was able to survive only 2 years in Turkey and went back to Bulgaria in 2008, his wife following shortly afterwards. Gülcan's brother and his wife stayed on until 2010, but they too recently left for Bulgaria, although the bride wants to come back to Turkey and they are undecided as to where they will settle. Gülcan herself is adamant about staying, even if that means she will be without papers. But this does not necessarily mean she is committed to staying for good:

First let me get my papers and then we will see. I cannot entirely give up on Bulgaria, either. For us, there is always going back and forth, we can never say, 'this is it, I am settled for good'. Migration is a part of our lives. In Bulgaria, too, everyone always went somewhere else to work. For us, migration is ordinary, completely normal.

Gülcan's normalization of migration as ordinary and the recurrent movement of other members of her family back and forth subvert the nationalist narrative within which the 1989 migration was subsumed as a unique event of homecoming (Parla 2006). Gülcan's articulation of their migration routine, within which the passage across the border in 1989 is just one among many other subsequent migratory movements, also challenges the allegedly sharp contrast between the 1989 migration, framed by the government and nationalist discourse as a purely political migration, and the post-1990s migratory movements as a purely economic. Finally, Gülcan's effortless inclusion of other geographies within her mental map of possible migration routes severs the seamless connection between Bulgaria and Turkey which the Turkish state has historically posited for its 'kindred in exile'.

After their return to Bulgaria in 1989, Gülcan's father worked intermittently in Germany despite being caught and deported twice. Gülcan joined him after high school to give Germany a try herself. 'They don't treat you very well there if you are Turkish. I cannot stand things like that, so I went back to Bulgaria.' After finishing a bachelor's degree in economics, she also did a master's degree in accounting through a certificate programme. Although this degree is not recognized in Turkey, it is the area in which Gülcan wants to pursue a career. That is why she refuses to work as a babysitter this time around: 'I put up with it then because my goal was to finish school. But I won't sell myself short now. I want to have a proper career.' Gülcan worked for a while as an intern at a maritime company. Once the internship was over, however, the company did not want to deal with the bureaucracy involved in getting her a work permit. She contacted various other companies, 'and it was always the same thing: without documents, you are always treated like you are nothing. No papers, no insurance: it is precarious for us.'

When the new regulation came into effect in May 2007, allowing Bulgarian nationals only 90 days of stay within a 6-month period, Gülcan said that she went everywhere in search of information, from the Consulate to the Foreigner's Department. Everyone told her something different. She also heard rumours about the possibility of a free permit being granted as amnesty right before the elections in Bulgaria to encourage migrant voting. Knowing that a similar amnesty had been

granted in 2005, Gülcan decided to stay and risk illegality. Indeed, the 6-month residence permits were granted this time around as well, regardless of prior legal status. Paradoxically, those who abided by the new visa regime and went back to Bulgaria after the 90 day limit could not benefit from the amnesty. 'In panic, they ended up not only paying the penalty (for late exit) but they could not come back to Turkey for 3 months either', Gülcan said. 'So [I'm] glad we did not go. This all goes to show that illegal stuff rules the day in Turkey. Those who play by the rules simply lose.' Indeed, the irony not lost on Gülcan of losing when playing by the rules was a major source of discontent among the many migrants who found themselves in the same situation. Ethnographic evidence even suggests that these amnesties—which only reward, as it were, those who lapse into illegality—have increased the number of migrants who risk illegality instead of abiding by the 90 days visa regulation.

Each time we went for our permits, [Gülcan said,] the migrant association leaders and officials told us, 'We are giving these for the elections. So that you will vote.' There was always talk of this sort. It is all very explicit. These [permits] are for the elections. They even said that they would send the list of people who voted—you know, we had signed our names at the municipality—that they would send this list of names to the consulate. This would count as evidence, they said, and the ones not on the list would not get the six-month renewal. Nothing of the sort happened, of course; still, we did not want to risk it and went. You cannot imagine what torture it was going to Bulgaria that night. No seats on the buses, since everyone was going.

While the threat of sending a list to the consulate is only that—a threat—such semi-formal talk circulating among officials and migrant association leaders is revealing in terms of how these amnesties are experienced on the ground. Gülcan, too, is perfectly aware of the emptiness of the threat. Yet, she 'did not want to risk it', putting up with the requirements so as to maximize whatever chance at temporary legality is thrown her way.

The 6-month permit did not turn out to be renewable. Between April 2008—when the permit expired—and June 2009, Gülcan resided in Turkey without papers. It was only more than a year later, at the end of June 2009, that she was able to regularize her status with yet another amnesty—again, before the elections in Bulgaria. While partly relieved, Gülcan was also discouraged that this permit was only for 3 months and once again non-renewable. 'I will get the permit, but this time I will not vote', she said defiantly:

They are literally playing with us. In any case, those who live here could not care less about the elections in Bulgaria... Now I do not know what to do. And my mother keeps saying, 'Don't waste your time there.' You know, I had hoped that something would happen with this election. Perhaps a one-year residence permit, or perhaps one that I could extend. And then a work permit. And then it would not be a dream to apply for citizenship... But when I hear that this permit is only for three months, I think to myself, why should I bother staying? But then I am used to it, I have my routine. It is hard to leave now. I spent my last three years here. I put up a certain fight. If I give up all that, what will I have left, why did I come then? And although my father could get me a job at the municipality back in our town, I don't think I will be content with working in a small town after life in the city.

Currently, Gülcan works as an accountant for a small company. As far as her boss is concerned, her not having a work permit does not pose a problem. 'Even those with

citizenship work without social security in small firms, so they don't care.' Given the restructuring that the company is undergoing and the expertise that Gülcan has accumulated, she feels she has become indispensable and hopes for a promotion soon.

Gülcan returned briefly to Bulgaria after her 3 months was up, thus 'earning' another 3 months of stay in Turkey. Through the informal services of a self-declared 'legal advisor', whose actual credentials are those of a translator, she filed a petition with the Ministry to renew her permit, where she was advised to specify that she had relatives in Turkey and that she was single. The 'legal advisor' highlighted this latter point as being critical in evaluation of the applications. He submitted all her documents and gave her a phone number for an office in Ankara to follow up on her petition. Since December 2009, then, Gülcan has been residing without papers (given that her residency has expired); yet technically, she is non-deportable as long as she has a standing application with the Ministry. She has still not received a reply and is reluctant to follow up on it herself. 'See, to tell you the truth, I am anxious to go. I don't know what they might do; that is, in fact, why I keep putting it off.'

However, after a recent incident with the police, Gülcan says that she has changed her mind and will follow up her application more closely. Until then, Gülcan had not had any encounters with the police because of her not having papers. A couple of months ago, however, she was stopped by a police officer, who was conducting identity checks in front of the central mosque in a neighbourhood with a significant immigrant population. Her boyfriend was with her. When Gülcan showed her passport, the police officer said, 'Oh-oh, your 90 days have long expired.' Gülcan told him that she had petitioned to Ankara for an extension, and showed him the receipt for the petition. The officer said, 'How do I know you have a residence permit? Where is that?' Gülcan told him that she did not carry all her documents with her for fear of theft. The officer insisted on seeing it, and asked her to come to the police station, while someone else could go to her house and procure the document. Based on past experience, Gülcan did not trust that the officers at the station would understand the full details of her situation. She was not sure whether she could explain it herself. She realized that the officer was after a bribe when he said, 'Look here, sweetie, isn't it a shame that you two will have to spend your whole Sunday at the police station? What could we do about this?' So they gave him all the cash they had with them, amounting to 120 \$, and he let them go.

6.3 'No Matter What we do, Nothing Comes of it...'

While it is true that single women on the move are increasingly becoming the pattern for many migrant groups in Turkey (see, e.g., Akalın 2007; Kaşka 2006; Keough 2006), the migrants from Bulgaria both partake in and challenge this trend in that often the entire family migrates. Aysel and Hasan, now aged 32 and 35, came to Turkey with their son 14 years ago with the aid of a smuggling network. The main motivation for their initial migration to Turkey was to be able to pay the gambling

debts that Hasan had accumulated in Bulgaria. They had one other option: Hasan, who worked as a house painter, was offered a painting job in Belgium through an acquaintance and was promised 2000 marks per month. He would have gone alone, leaving Aysel and their son behind. Yet Aysel did not want the family to be separated. So it was Hasan who first passed the Turkish border in 1996, entrusting himself to a group of 'kanalci', which is slang for 'smugglers'. Aysel undertook the journey with her son, then 3 years old. They walked from 10 at night to 5 in the morning, passing under barbed wire. 'He was so small then, and it was night. He wanted to sleep, he wanted his bed, he wanted his comfort. We had to carry him all the way; he cried a lot. Fortunately, there were many men in the group and they helped carry him. I could not stand on my feet for at least a week afterwards.'

Aysel and Hasan stayed in the migrant settlements located where Aysel's mother lives. The mother had immigrated in 1989, and she was the one who paid the smugglers. In retrospect, Aysel is somewhat regretful about the decision to come to Turkey: 'If I had known it would turn out to be like this here, I would have urged him to go to Belgium. To have to resort to those means [meaning the smugglers], to have struggled so much; it just was not worth it... We thought we would work a bit and then go back.' However, when their child began school, they felt that he would have a better chance in Turkey and that he could no longer adapt to life in Bulgaria. It was a struggle to get Olcay allowed to attend school. Hasan had to go to the school every day, along with three other mothers whose children could not be registered because of their irregular status. They pleaded, insisted and protested; in the end, it was the principal's advocacy that they were able to get the children the necessary residence permits to attend school. Once their son had the certificate, Aysel and Hasan qualified for the 'accompanying person permit' (*refakatçi izni*)—a special residence permit given to those who are accompanying minors, the elderly, or the sick. Each time Hasan had to go to the Foreigner's Department to renew the permit, he encountered the same problem: he would be told that the date of the permit had expired. Hasan explained that he could renew the permit only when Olcay's school opened again in the autumn, which meant that there was an inevitable gap of 3 months between the date of expiration and the date of renewal. 'I have not left the country, I am renewing the permit', I said to them. "You still have to pay", they would tell me. Once I went to speak with the head officer. He could not care less. "What is it to me?" he asked. That really blew my fuses. He said, "We will just get you and throw you out". I said, "Okay, then throw me out". Aysel intervened: 'I hate going to the Foreigner's Department. Hasan gets angry and I end up paying the price.' 'But you inquire about something', Hasan said in self-defence, 'and they never answer properly. Each time you go back, they find yet another missing document. Each time, I lose a day's worth of work. And I have to get in the queue at five in the morning. In the end, you just lose it, you know.'

Aysel and Hasan live in an extremely well-kept little flat in an otherwise dilapidated migrant settlement in an outer Istanbul suburb that hosts a low-income population. Such settlements were commissioned by the state for the earlier wave of 1989 migrants, but they were not completed on time. Meanwhile, most of the 1989 migrants were able to move into better housing and the flats were left to deteriorate.

Some have rented out these flats to post-1990s migrants, like Hasan and Aysel, for very low rates. Aysel currently works as in domestic services and Hasan works for a heating company. His employer is a 1989 migrant from Bulgaria and did not mind Hasan going to Denmark for a few months to do a temporary painting job; most of the people in the company are without insurance, anyway. Prior to this job, Hasan worked as a security guard for a gated community. Although the residents really liked him, even trusting him with their children when they ran errands, he was eventually fired because the residents were afraid that if he were be injured—an anxiety exacerbated by the gangs that had proliferated in the vicinity—they themselves would get in trouble for employing someone without papers. Hasan toys with the idea of migrating to a European country. ‘If worse comes to worse, I would go temporarily, work and come back.’

At the end of the summer of 2009, Hasan and Aysel went to the Registrar’s Office to ‘have their days counted’, and were told that they had acquired enough days to apply for citizenship. In addition to completing the various required documents, including a document of origin that ‘proves’ their Turkish ethnicity, they were warned to make sure that the names on the Bulgarian and Turkish documents matched—a major concern since transliteration from the Cyrillic alphabet results in different spellings and even a single letter causes a file to be disqualified. It took Hasan and Aysel a month to collect all the documents and official stamps and cost more than a thousand dollars. With their completed file, they went back to the registrar, only to be told that they were not eligible to apply after all. Their 2 years’ worth of residence permits based on the special permit of accompanying a minor no longer qualified for citizenship applications. It turned out that the regulation allowing this special permit had already been revoked when they went to inquire at the Civil Registry, but the officer had not informed them of the change—perhaps because he himself did not know.

When they sought advice from the most active Balkan migrants’ association in Istanbul, the president told them that in their situation, the only option was to try the ‘exceptional circumstances’ clause of the new 2010 Citizenship Law. Exceptional circumstances apply to those of Turkish origin and with a relative of the first or second degree who is a Turkish citizen. They could try this route because Aysel’s mother was already a citizen. The president of the association said that he had filed about 150 such applications. ‘We are certain to get positive results’, he said confidently, and added with visible sarcasm, ‘Let us hope that they do not change the new citizenship law yet again. So I would urge you to hurry.’ The price for processing the applications for the whole family would be 4000 TL (3500 \$), he said, which they could pay in three instalments.

After the meeting with the association president, Aysel was in high spirits. ‘We have already spent so much, we can risk this much more’, she said. She began calculating who could contribute how much. ‘All right then’, she said with playful defiance, ‘if Mr. Hasan still wants to go, let him go’. After the terrible disappointment at the Civil Registry the day before, Hasan had called his brother in Bulgaria and said, ‘I don’t care if they are staying or not; I’ve had it and I am joining you.’ But Aysel felt differently. ‘We bought all this furniture; we have an arrangement here.

How will we start from scratch there again? Even moving the furniture would cost a lot of money. So I would rather pay the 4000 TL, if only I knew it would work.' Aysel went on planning in delighted chatter for a bit longer, then suddenly stopped in her tracks:

Actually I don't even know what we will do with this citizenship. I really do not know why we even want it... If it had not been for the three-month rule, I would not put so much effort into all this. But if we were to get citizenship, we could go back and forth without worries, otherwise, we have to constantly struggle with these permits.

Five months later, they had not done anything. They decided that they could not risk investing that much money in something they had no reason to trust. When asked if they planned on doing anything before all the documents they had collected for the citizenship application expired, Hasan said, 'No, not really. You saw it too, no matter what we do, nothing comes out of it. Perhaps there will be another amnesty, or the regulations will change or something.' Meanwhile, Hasan has a new job as a ground cleaner at the airport for 400 \$ a month, no bonuses. He is hoping to switch to another airport firm that offers a luggage-carrying service—a more demanding job, but with better pay. The best part, he says, is that he is insured for the first time.

6.4 Harmonizing 'Illegality'

A circular entitled 'Fighting Illegal Migration', issued by the Turkish Ministry of Interior on 19 March 2010 states that Turkey will step up its measures to prevent illegal migration as part of its ninth national programme and its concomitant commitment to meet the requirements for EU accession in the realm of policy concerning refugees and immigration. The circular states, among other directives, that bus companies and hotels will be regularly warned about human trafficking and that relevant personnel will take part in training programmes in which they will be taught to 'evaluate those signs likely to reveal the existence of illegal migration, such as the purchase of large quantities of bread from the bakeries, left-over food in vehicles, heavy smell emanating from vehicles, the increase in unknown guests in the villages' (Ministry of Interior press release 2010/22).

Juxtaposing this press release against the stories of Aysel, Hasan, and Gülcan reveals a jarring discord between, on one hand, reduction of migrant 'illegality' to smells emanating from vehicles and the stealthy consumption of bread, and on the other hand, the everyday experiences of people like Aysel, Hasan, and Gülcan, which revolve around routine life including work, children, school, and outings. The depiction of illegal migration by the state as something completely undercover not only distorts the wide range of how illegality is experienced in everyday life but also further reinforces the criminalization of migrants. As the stories above describe in detail, migrants like Gülcan, Hasan, and Aysel—who, at one time or another, reside and work without the papers that particular national boundaries require of them—still pursue career opportunities and dreams, seek work and security, and go about their daily lives in as ordinary and dignified a manner as possible.

Secondly, the rhetoric about control or fighting ‘illegal migration’ does not address the question of arbitrariness of the law-in-practice (Koğacıoğlu 2009). After an identity check, the police may let those without documents go if they are paid a bribe, as when Gülcan was stopped with her boyfriend. An inadequately informed or unwilling official may fail to mention the crucial information that ‘accompanying person’ permits are no longer valid for citizenship applications, thus causing candidates to waste money and effort, as well as losing hope of legalization. Arbitrariness also serves as a politics of ‘wearing out’. Many migrants do not attempt to regularize their status in the first place because of the opacity of the bureaucratic process, or they give up midway because of unexpectedly changed requirements of which they are not duly informed. Gülcan’s disillusionment with the amnesties that only regularize status temporarily; Hasan’s frustration with renewing the permit where each time he is held accountable for the inevitable 3-month gap because of the summer school holiday; Aysel and Hasan’s failed application for citizenship because of a change in the regulation: these all add up to the exasperation summed up poignantly in Hasan’s remonstrance, ‘No matter what we do, nothing comes of it!’

If language not only reflects but also constitutes our reality, we need to ask what in fact gets occluded through the terminology of legality and illegality that purports only to describe and categorize migrants. At the empirical level, what Gülcan, Hasan, and Aysel’s stories demonstrate is that the line between legality and illegality is much harder to pin down than the dichotomy suggests. Gülcan entered the country ‘legally,’ but lapsed into illegality when she worked without a permit. Currently, she is ‘illegal’ in terms of her residence status, but given that she has registered a petition with the Ministry of Interior, she is non-deportable. However, this does not stop the police from exploiting her vulnerable status. Hasan and Aysel are periodically able to renew their accompanying persons permit through their son who attends school. Yet they have a built-in interruption to their ‘legal’ status because of the summer holiday. Since they cannot apply for citizenship with this type of residence permit, once their son finishes school, the legal basis on which they reside will disappear.

At the normative level, there is further reason to be wary of the rhetoric of fighting illegal migration. Much of the rhetoric of control and restriction in fact goes hand in hand with a certain degree of tacit tolerance in accordance with the dictates of the labour market. It is thus not a coincidence that those designated as illegal are, for the most part, migrant *workers*—as global capitalism with its constant restructuring needs a flexible and disposable workforce (Bauman 2007; Sassen 1996). Many employers are indifferent, as Gülcan, Hasan, and Aysel’s work situations demonstrate; in fact, they may prefer to employ those without papers. The state meets market demand by tolerating informal employment to a certain degree. In fact, some scholars go further and speak of the legal production of illegality, claiming that the law systematically reproduces the irregularity of migrants in order to ensure a vulnerable and dispensable workforce (Calavita 1998; De Genova 2005). De Genova also suggests that it is *deportability*, not deportation per se, that is the most strategic tool for ensuring migrant vulnerability. Rather than being deported *en masse*, migrants live under the constant threat of deportation, rendering them even more vulnerable to exploitation at the hands of the police or employers.

If, as De Genova (2007, p. 436) urges us, 'we begin not from the epistemological standpoint of the state and its functionaries but rather, from the standpoint of the elementary freedom of movement as a basic human entitlement', and not presuppose that there is something inherently suspect about human beings who migrate, then we need to be more critical of both official and scholarly designations of migrant illegality. This chapter has aimed to contribute to this awareness, already politicized by activist networks around the world, by demonstrating how illegality is experienced by a migrant group in Turkey that has historically occupied the most privileged position in the hierarchy of migrant desirability. Tracing the trajectory of a migrant group from prospective citizens to dispensable migrants underscores the historically specific condition of legality and illegality and demonstrates that legality is not a secure condition even for apparently privileged migrants.

Finally, it is within this historically contingent, unpredictable, and often arbitrary matrix of illegality that the most recent regulation concerning Bulgarian nationals of Turkish origin should be viewed. At the time of this writing, the Ministry of Internal Affairs had just released a circular announcing an amnesty in the form of free 6-month residence permits for Bulgarian Turks who were currently without papers (12 June 2011). This amnesty in itself is not unique, as this chapter has elaborated. What is unprecedented, however, is the accompanying clause in the circular that enables Bulgarian nationals who can prove Turkish origins and who have Turkish-citizen relatives of the first or second degree to apply for citizenship under the 'exceptional status' clause, even if they do not fulfil the 5 years of uninterrupted residence required by the current Citizenship Law. During the months of June and July 2011, thousands of migrants (including those mentioned here) practically held camp at the Foreigner's Department and the Civil Registry, trying to obtain information, procure the necessary documents, and submit their application before the designated September deadline. Thus, the tide appears to have turned: are the Bulgarian Turkish migrants, after two decades of loss of privilege, again becoming the most likely candidates for citizenship? It would be too hasty to offer a definite answer before witnessing the actual fate of the thousands of applications being filed with the Ministry.⁷ Regardless of the outcome, however, the struggles of the migrants from Bulgaria in Turkey are an apt reminder of the fact that states of *legality* are elusive even for those migrants designated as ethnic kin, and that states of *illegality* are defied daily by the lived experiences of migrants who insist on finding work, sending their children to school, or taking a stroll with their loved ones on the streets—with or without documents.

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⁷ Of the two major Balkan migrant associations, the Balkan Turks Solidarity Association representative is sceptical and the İzmir BAL-GÖC representative speaks with caution regarding the actual outcome of these applications. Interview with Balkan Turks Solidarity Association representative in Istanbul, July 8, 2011; phone interview with İzmir BAL-GÖC representative, 21 June, 2011.

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Ayşe Parla is Associate Professor of Anthropology in the programmes in Cultural Studies and European Studies at Sabancı University, Istanbul. She has published on migration, citizenship, labour and ethnicity in various journals including: *American Ethnologist*, *Alternatives*, *Citizenship Studies*, *Differences*, *Ethnography*, and *International Migration*. As a 2011 recipient of the Turkish Academy of Sciences Exceptional Young Scholar Award, her current research is a critical examination of the 'Europeanization' of the field of migration in Turkey through a focus on access to education for undocumented migrants' children. Website: <http://myweb.sabanciuniv.edu/ayseparla/>